

01-23-07

09/991,184

JFW/DA
CASE ON/4-30096B

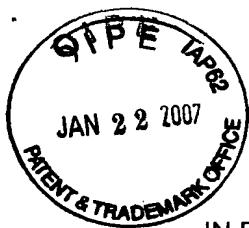
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JANUARY 22, 2007

Date of Deposit



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE PATENT OF

PEKKA HAYRY

U.S. PATENT NO. U.S. 7,151,106

ISSUED: DECEMBER 19, 2006

FOR: CRYSTAL MODIFICATION OF A N-PHENYL-2-PYRIMIDINEAMINE
DERIVATIVE, PROCESSES FOR ITS MANUFACTURE AND ITS
USE

MS: Petition

Commissioner for Patents

PO Box 1450

Alexandria, VA 22313-1450

PETITION FOR PATENT TERM ADJUSTMENT
PURSUANT TO 37 C.F.R. §1.705(d)

Sir:

Patentee submits this Petition for Patent Term Adjustment (PTA) pursuant to 37 C.F.R. §1.705(d) in which a reconsideration of the PTA indicated on U.S. Patent No. 7,151,106, which issued on December 19, 2006, is requested. This Petition for PTA is being filed on the date indicated below which is less than two months after the issuance of U.S. Patent No. 7,151,106. Thus, this Petition is being timely filed under 37 C.F.R. §1.705(e).

According to the USPTO, and as indicated on the cover page of U.S. Patent No. 7,151,106 and on the "PAIR" page on the USPTO's website (of which a copy of each is enclosed), the PTA for U.S. Patent No. 7,151,106 is 261 days. It is believed that the USPTO reached this determination by applying a 25-day delay against Applicant because of the filing of "formal" drawings on September 19, 2006 and, accordingly, subtracted 25 days from the "initial" PTA of 286 days.

Patentee respectfully disagrees with the USPTO's calculation and believes that a 25-day debit should not have been applied because no "formal" drawings were filed on September 19, 2006. In fact, the only paper filed by Applicant subsequent to the Notice of Allowance, dated July 5, 2006, was the payment of the Issue Fee on September 19, 2006.

01/24/2007 TBESHAY2 00000039 190134 7151106

It should be noted that a Notice Regarding Drawings was forwarded to the Applicant on April 11, 2005, which Notice had a non-extendable due date of June 11, 2005. In response to said Notice,

Applicant timely filed a communication on May 17, 2005, which included "replacement" drawings. No further communication from the USPTO regarding drawings was received by the Applicant.

In short, since the only paper filed by Applicant subsequent to the Notice of Allowance was the timely payment of the Issue Fee on September 19, 2006, and since the subject U.S. patent issued within four months of the payment of the Issue Fee, it is believed that the Patentee is entitled to 25 additional days of patent term and that the correct PTA for U.S. Patent No. 7,151,106 is 286 days. Accordingly, the Patentee requests that the USPTO issue a Certificate of Correction which indicates that the PTA for the subject U.S. patent is 286 days.

Please charge the \$200 fee required by 37 C.F.R. §1.18(e) and any other fees that may be required to Deposit Account No. 19-0134 in the name of Novartis Corporation. An additional copy of this Petition for PTA is enclosed.

Respectfully submitted,



Oona A. Jackson
Attorney for Patentee
Reg. No. 48,152
Phone No. (862) 778-7852

Novartis
Corporate Intellectual Property
One Health Plaza, Building 104
East Hanover, NJ 07936-1080

Encls.: "cover" page of USP 7,151,106
"PAIR" page
extra copy of Petition for PTA
postcard

Date: 1/10/07

09/991,184

CRYSTAL MODIFICATION OF A N-PHENYL-2-PYRIMIDINEAMINE DERIVATIVE,
PROCESSES FOR ITS MANUFACTURE AND ITS USE01-11-
2007::13:50:36

Patent Term Adjustments

Patent Term Adjustment (PTA) for Application Number: 09/991,184

Filing or 371(c) Date:	11-16-2001	USPTO Delay (PTO) Delay (days):	463
Issue Date of Patent:	12-19-2006	Three Years:	-
Pre-Issue Petitions (days):	+0	Applicant Delay (APPL) Delay (days):	202
Post-Issue Petitions (days):	+0	Total PTA (days):	261
USPTO Adjustment (days):	+0	Explanation Of Calculations	

Patent Term Adjustment History

Date	Contents Description	PTO(Days)	APPL(Days)
11-29-2006	PTA 36 Months		
12-19-2006	Patent Issue Date Used in PTA Calculation		
10-13-2006	Mail Miscellaneous Communication to Applicant		
10-06-2006	Miscellaneous Communication to Applicant - No Action Count		
09-28-2006	Receipt into Pubs		
09-28-2006	Receipt into Pubs		
09-27-2006	Dispatch to FDC		
09-27-2006	Application Is Considered Ready for Issue		
09-19-2006	Issue Fee Payment Verified		
09-19-2006	Workflow - Drawings Finished		25
09-19-2006	Issue Fee Payment Verified		
09-19-2006	Issue Fee Payment Received		
07-31-2006	Receipt into Pubs		
07-31-2006	Receipt into Pubs		
07-28-2006	Receipt into Pubs		
07-05-2006	Mail Notice of Allowance		
07-05-2006	Mail Formal Drawings Required	143	
06-26-2006	Formal Drawings Required		↑
06-26-2006	Notice of Allowance Data Verification Completed		↑
06-26-2006	Mail Miscellaneous Communication to Applicant		↑
06-26-2006	Record Petition Decision of Granted Related to Inventor in Application		↑
06-26-2006	Miscellaneous Communication to Applicant - No Action Count		↑
12-13-2005	Information Disclosure Statement considered		↑
12-13-2005	Information Disclosure Statement considered		↑
09-19-2005	Examiner Interview Summary Record (PTOL - 413)		↑
10-12-2005	Petition Entered		↑
10-12-2005	Rule 47 / 48 Correction of Inventorship Papers Filed		↑
05-17-2005	New or Additional Drawing Filed		↑
10-19-2005	Date Forwarded to Examiner		↑
10-12-2005	Response after Ex Parte Quayle Action		↑
10-05-2005	Mail Ex Parte Quayle Action (PTOL - 326)	119	
10-03-2005	Ex Parte Quayle Action		↑

02-08-2005	Reference capture on IDS	↑
02-08-2005	Information Disclosure Statement (IDS) Filed	↑
08-24-2005	Date Forwarded to Examiner	↑
02-08-2005	Request for Continued Examination (RCE)	↑
08-24-2005	DISPOSAL FOR A RCE/CPA/129 (express abandonment if CPA)	
08-20-2005	Pubs Case Remand to TC	
07-12-2005	Information Disclosure Statement (IDS) Filed	
08-17-2005	Receipt into Pubs	
06-27-2005	Receipt into Pubs	
05-25-2005	Receipt into Pubs	
02-08-2005	Workflow incoming amendment IFW	
02-08-2005	Workflow - Request for RCE - Begin	
01-06-2005	Workflow - File Sent to Contractor	
12-16-2004	Mail Notice of Allowance	
12-16-2004	Mail Oath of Declaration Required	
12-16-2004	Mail Examiner's Amendment	
12-13-2004	Oath or Declaration Required	
12-13-2004	Notice of Allowance Data Verification Completed	
12-13-2004	Case Docketed to Examiner in GAU	
12-13-2004	Examiner's Amendment Communication	
12-13-2004	Date Forwarded to Examiner	
11-29-2004	Response after Non-Final Action	88
11-29-2004	Request for Extension of Time - Granted	↑
11-29-2004	Workflow incoming amendment IFW	↑
06-02-2004	Mail Non-Final Rejection	68
06-01-2004	Non-Final Rejection	↑
03-10-2004	Case Docketed to Examiner in GAU	↑
02-18-2004	IFW Amended case processing Complete	↑
01-14-2002	Reference capture on IDS	↑
01-14-2002	Information Disclosure Statement (IDS) Filed	↑
02-18-2004	Date Forwarded to Examiner	↑
11-26-2003	Response to Election / Restriction Filed	89
11-26-2003	Request for Extension of Time - Granted	↑
05-29-2003	Mail Restriction Requirement	133
05-29-2003	Requirement for Restriction / Election	↑
01-09-2002	Preliminary Amendment	↑
01-08-2002	Preliminary Amendment	↑
01-14-2002	Information Disclosure Statement (IDS) Filed	↑
01-08-2002	Case Docketed to Examiner in GAU	↑
12-13-2001	Case Docketed to Examiner in GAU	↑
11-16-2001	Preliminary Amendment	↑
12-12-2001	IFW Scan & PACR Auto Security Review	↑
12-10-2001	Application Dispatched from OIPE	↑

12-06-2001	Correspondence Address Change	↑
12-03-2001	IFW Scan & PACR Auto Security Review	↑
11-16-2001	Initial Exam Team nn	↑

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